

Serial No. 10/638,236

Art Unit 3728

December 14, 2005

## **REMARKS**

This application presently includes Claims 2-5, 8, 9, 11 and 12, in which Claims 2-5 stand rejected. As apparent from the Amendments to the Claims attached to this response, Claims 2 and 3 have been canceled and Claims 4 and 5 have been amended.

### **Claim Rejections - 35 USC 112**

Claims 3 and 4 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner pointed out that "said one side wall" in Claim 3 has no antecedent basis. In response to this rejection, Claim 3 has been canceled and the phrase in Claim 4 corresponding to the subject phrase has been changed to "said one of said side walls".

Based on the above amendments, withdrawal of the rejection under 35 USC 112 is respectfully requested.

### **Claim Rejections - 35 USC 102**

Claims 2 and 5 were rejected under 35 USC 102(b) as being anticipated by DE document No. 37 11 322 C1. Claims 2, 3 and 5 were rejected under 35 USC 102(b) as being anticipated by EP document No. 0 048 506. In response to these rejections, Claims 2 and 3 have been canceled and Claim 5 has been amended to become dependent on Claim 4. (Claim 4 has also been amended to take the Examiner's suggestion, which will be discussed later in the "Allowable Subject Matter" section.) For the above reasons, withdrawal of the rejections under 35 USC 102(b) is respectfully requested.

However, Claim 2 and 3 were canceled merely to bring the application into a condition of allowance. Applicant has no intention to abandon the subject matter of Claims 2 and 3 and hereby preserves the right to pursue patent protection for Claims 2 and 3 and for other inventive

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arrangements contained in the specification and/or the original claims by means of a divisional application(s).

Allowable Subject Matter

The Examiner suggested that Claim 4 would be allowable if rewritten to overcome the rejection under 35 USC 112 and to include all of the limitations of the base claim and any intervening claims. Taking this suggestion, Claim 4 has been rewritten in independent form including all of the limitations of Claims 2 and 3. Claim 4 is free of the objected phrase as has been discussed above. Accordingly, Claim 4 is allowable.

Claim 5 has been amended to be dependent on Claim 4. Therefore, Claim 5 is also allowable.

Allowed Claims

Claims 8, 9, 11 and 12 have been allowed.

It is earnestly requested that the above attached Amendments be entered, the application, as a whole, receive favorable reconsideration, and that Claims 4 and 5 be allowed in addition to Claims 8, 9, 11 and 12.

Respectfully submitted,



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Tsugihiko Suzuki

Date: December 14, 2005